

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

JAMES CONSORT and GILLIAN
CONSORT, husband and wife,

Plaintiffs,

vs.

NORTHWEST CORPORATION and
DAVEY TREE, INC.,

Defendants.

No. CV 20-10-BU-SEH

ORDER

This action, commenced in state court, was removed to this Court on March 11, 2020.¹ However, jurisdiction, asserted to be grounded in diversity of citizenship, was not well pleaded.² An amended notice of removal³ was filed

¹ See Doc. 1.

² See Doc. 5 at 1.

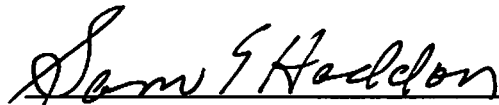
³ See Doc. 6.

March 25, 2020. Plaintiffs moved to remand on March 27, 2020.⁴ That motion was denied for failure to comply with L.R. 7.1(c) and (d)(1)(A).⁵ Plaintiffs were afforded the opportunity to move to resubmit the remand motion and brief in support in proper form.⁶ They did not do so.

ORDERED:

Defendant North Western Corporation has been afforded two separate opportunities to properly plead jurisdiction. It has twice failed to do so. This action is remanded to Montana's Second Judicial District Court, Butte-Silver Bow County.

DATED this 24th day of April, 2020.



SAM E. HADDON
United States District Judge

⁴ See Doc. 7.

⁵ See Doc. 8 at 1.

⁶ See Doc. 8 at 2.